

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 10 2004

OFFICE OF
MANAGING DIRECTOR

Ann Nicole Whitaker
Paralegal
NobelTel, LLC
5759 Fleet St., Suite 210
Carlsbad, CA 92008

Re: FY 2003 Regulatory Fees
Fee Control No. 00000RROG-04-040Bill
Bill No. 04RE003451

Dear Ms. Whitaker:

This is in response to your letter dated March 3, 2004 filed on behalf of NobelTel, LLC (NobelTel) requesting a waiver of a late payment penalty associated with the fiscal year (FY) 2003 regulatory fee. Our records reflect that your \$7,409.06 regulatory fee was processed by the Commission on April 20, 2004, but that we have not yet received your late payment penalty of \$1,852.27.

You state in your request that you mailed a check by Airborne Express that was received by the FCC on December 22, 2003. As proof, you have enclosed tracking information from Airborne Express and the check stub from the initial check. You state that that your Finance Department cancelled that check on March 3, 2004 because it had not been cashed by your bank. You subsequently mailed a new check for the \$7,409.06. You indicate that by telephone you requested that FCC personnel forward your check for the fee to the appropriate person/department.


The Commission's rules are clear that licensees are required to pay to the Commission an annual regulatory fee in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. §159. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003). In addition, the Commission's rules are clear that the regulatory fee payments must be directed to the addresses set forth in the rules. 47 C.F.R. § 1.1159. Those rules set out addresses for post office boxes at the Mellon Bank in Pittsburgh, Pennsylvania. *See* 47 C.F.R. §§ 1.1152-1.1156.

As a Commission licensee, NobelTel is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, NobelTel's lack of familiarity with the Commission's rules and policies governing the payment deadlines and the mailing address of regulatory fee payments does not mitigate or excuse NobelTel's failure to pay its FY 2003 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. §159. Your Airborne Express tracking information indicates that your first check was sent on December 22, 2003 to our headquarters at 445 12th Street, NW, Washington, DC rather than to the Mellon Bank in Pittsburgh as specified in the rules. Furthermore, your letter indicates that the check deposited in the Mellon Bank on April 20, 2004 was also mailed to our headquarters and forwarded by Commission staff to the Mellon Bank. Thus, we find that NobelTel did not meet its obligation to file its regulatory fee to be timely received by the Commission at its designated payment address by September 25, 2003, the final date of the regulatory filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2003 regulatory fee.

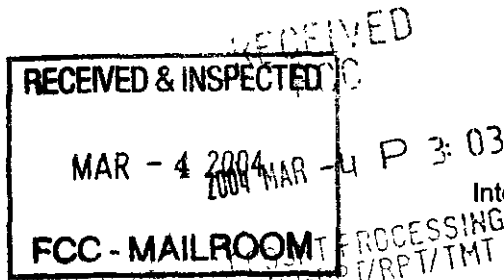
A late payment penalty in the amount of \$1,852.27 for FY 2003 is now due. The fee must be filed, together with a copy of Bill No. 04RE003451, within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,


Mark A. Reger
Chief Financial Officer

Enclosure:
Copy of Bill No. 04RE003451

00000 RROG-04-040



NobelTel, LLC
5759 Fleet St. Suite 210
Carlsbad, CA 92008 USA
Toll Free: 800-98-NOBEL
International: 1-760-405-0105
www.nobelglobe.com



March 3, 2004

Dear Ms. Claudette Pride,

Enclosed, please find the re-issued check in the amount of \$7409.06 for NobelTel's Regulatory Fee. An additional bill was sent late last week indicating payment had not been made and that NobelTel was assessed a 25% penalty. Our new bill which was sent to collections was for \$9261.33.

The penalty must be waived as we have proof by Airborne Express that the check was previously sent and received by FCC on December 22, 2003 at 10:58 am by M. Boykins. Enclosed, please find the Airborne tracking information as well as the check stub for the initial check previously sent. It has been cancelled by our Finance Department as of today March 3, 2004 as it has not been cashed as indicated by our bank. Thus we have enclosed a new check for \$7409.06 minus the 25% late penalty fee. Should you have any questions, please contact Peter Sinclair, Esq. at 760-405-0105, extension 6420 or myself at 760-405-0105, extension 6460. My email address is awhitaker@nobelglobe.com. I have been speaking to Diane Douglas regarding this matter and she is to send the check to for the fee to the appropriate person/department. Thank you very much.

Best regards,

Ann Nicole Whitaker
Paralegal

MAR 10 2004

View Shipment

Waybill # 20034341051
Status Printed

→ TRACKING #

Close Window

Shipment Information**Ship To**

Country UNITED STATES
Company Name Federal Communications Commission
Address Portals Consumer Center
445 12th Street, N.W.
Washington, DC, 20554

Senders Information

Sent By A. Delcheva
760-405-0105

Shipment Information

Shipment Date 22 December 2003
Service Type Next Day 3:00
Weight Letter
Dimensions 0 x 0 x 0
Additional Protection Not Required
Protection Value \$ 0
Description
Shipment Reference

Received by FCC
@ 10:58 am
by Receptionist
M. Boykins

Billing Information

Bill To Sender / 202126978

Notification

Notify Receiver No
Notify Other No
Other Email Address
Notification Message

Options and Special Services

COD Value \$0.00
Hazardous Materials No
Hold at Airborne No
Sender's Receipt No

Estimated Freight Charges	\$ 13.28
Estimated Other Charges	\$ 0.60

Estimated Total Charges	\$ 13.88
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Close Window

AZ012-A
4/21/2004
14:59:23

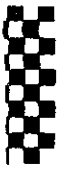
RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
4/21/2004
14:59:23

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560932	3/10/04	0403108340191001A	0008760928	NobelTel, LLC	4/20/04	\$7,409.06

Billing No. 04RE003451 Seq: 1 Call sign: FCC Code 1: Applied Pen: \$1,852.27
PTC: 0372 QTY: 0 Applied Amt: 5556.79 FCC Code 2: Tin Number:
Applicant Name:
Address:

Total Applied: \$5,556.79 Total Receipt: \$7,409.06



03-11-04

12:25pm From-Finance Fax

760 930 2582

T-731 P 001/008 F-035

NobelTel, LLC
5759 Fleet St.
Suite 210
Carlsbad, CA 92008
Toll Free: 800-98-NOBEL
Fax: 760-930-2592
International: 1-760-405-0105
www.nobelglobe.com



Fax Information

To:	TOM PUTNAM	From:	NIKKI WHITAKER
Fax:	202-418-2843	Pages:	9
Phone:		Date:	March 11, 2004
Re:	NOBELTEL, LLC	Cc:	
LATE FEE WAIVER REGARDING REGULATORY FEE			

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Dear Mr. Putnam,

Attached, please find the form 159W and the bill along w/ letters and other documentation regarding our Regulatory Fee Payment. Notice that on the initial form which was sent in August, the form was stamped by the FCC and returned to us. In addition, please note that there is no address provided on the form to where we can send the fee for payment. We then mailed in the check (copy attached). I left a message for Diane Douglas asking her to contact me regarding the status of the new check that was recently re-issued and sent for payment for the regulatory fee. Thank you.

Best regards,

Nikki Whitaker

Federal Communications Commission

Interstate Telephone Service Provider Regulatory Fee

Public Notice

AUG 29 2003

Approved by OMB
3060-0949

This packet contains the 2003 FCC Regulatory Fee Worksheet Form 159-W and a Remittance Advice Form 159. The FCC Form 159-W worksheet below has been completed using information from your previously submitted FCC Form 499-A. If any of this information is incorrect, please enter the correct figures on the blank worksheet enclosed and recalculate your regulatory fee. If all FCC Form 159-W worksheets are not required to file or remit payment. Otherwise, remit the fee either with your Form 159 and a correct Regulatory Fee Worksheet FCC 159-W.

Block (23A) - FCC Call Sign/Other ID (Filer 499 ID) - (Fee Year)	623026-2003
Block (24A) - Payment Type Code	0372
Block (25A) - Quantity (Your regulatory fee base)	\$3,723,146.00
Block (27A) - Total Fee	\$7,409.06
Block (28A) - FCC CODE 1 (Interstate & Int. end-user revenues)	\$3,723,146.00
Block (29A) - FCC CODE 2 (Excluded Interstate end-user revenues)	\$0.00

FCC Form 159-W Regulatory Fee Worksheet (based on your FCC Form 499-A filing)

Calendar year 2002 revenue information shown in whole dollars		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A Line 412 (e)	\$0.00
2	Interstate end-user revenues from all telecommunications services. FCC Form 499-A Line 420 (d)	\$36,267.00
3	International end-user revenues from all telecommunications services except international-to-international. FCC Form 499-A Line 420 (c)	\$3,686,879.00
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3) Note: also enter this number on Block (28A) - "FCC Code 1".	\$3,723,146.00
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A Line 409 (d)	\$0.00
6	End-user international mobile service monthly and activation charges. FCC Form 499-A Line 409 (e)	\$0.00
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (d)	\$0.00
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (e)	\$0.00
9	End-user interstate satellite service. FCC Form 499-A Line 416 (d)	\$0.00
10	End-user international satellite service. FCC Form 499-A Line 416 (e)	\$0.00
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. (Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.)	\$0.00
12	Interstate and international revenues from resellers that do not contribute to USF. Form 499-A Line 511 (b)	\$0.00
13	Total excluded end-user revenues. (Sum Lines 5 through 12.) Note: also enter this number on Block (29A) - "FCC Code 2".	\$0.00
14	Total subject revenues. (Line 4 minus Line 13) Note: also enter this number on Block (25A) - "Quantity".	\$3,723,146.00
15	Interstate telephone service provider fee factor	0.00199
16	2001 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A) - "Total Fee"	\$7,409.06

* You are exempt if you owe less than \$70 for all FCC reg. fees. If the above figures are correct, you may certify and use this page in lieu of completed Forms 159 & 159-W.

I, RICHARD L. MAHFOUZ, (FD) CERTIFY under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. (Signature) Richard L. Mahfouz, CFO (Date) 8/22/2003

<input type="checkbox"/> MasterCard	<input type="checkbox"/> Visa	<input type="checkbox"/> Discover	<input checked="" type="checkbox"/> AmEx	Credit Card # <u>379463940981007</u>	Expir. Date <u>3/04</u>
I hereby authorize the FCC to charge my credit card above for the services/authorizations herein described.					
-See Public Notice for other payment options- (Signature) <u>Richard L. Mahfouz</u> (Date) <u>8/25/2003</u>					

If the above revenue data does not correspond to your 499-A filing, please contact the Form 499 Data Collection Agent at 973-560-4460
Attention: Filing must be received by September 24, 2003. See Public Notice.

FCC FORM 159-W
July 2001

835 872 0057ue

Federal Communications Commission
BILL FOR COLLECTIONFOR DISCOUNTS CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number

Current Bill Date

04RE003451

2/19/04

PAYER FRN#

APPLICANT FRN#

0008750928

NobelTel, LLC
5759 Fleet Street
Carlsbad, CA 92008

Payable to:

Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
REVENUE & RECEIVABLE OPER.
P.O. BOX 350340
PITTSBURGH, PA 15251-0340

Total Amount Due

\$9,261.33

Due Date

Total Amount Due Must Be Received By

3/20/04

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

CB FY03 Non-Payment: 0399 Late Fee \$ 1.052 27

FCN

CALL SIGN

PAYER ADDRESS.

Please write your bill number on your remittance.

Please attach a copy of this bill to your payment to ensure proper credit.

PTC

Quantity

Fee Due

0372

0

\$7,409.06

Total Due

\$9,261.33

Payment Method:

Check

☐ (Attach)

Credit Card

☐ (Complete Below)

MasterCard



American Express



VISA



Discover

Account No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration:

--	--

Month

--	--

Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE



Federal Communications Commission
Washington, D.C. 20554

February 19, 2004

NobelTel, LLC
5759 Fleet St
Carlsbad, CA 92008

*Proof of
Statement*

Re: 823026
Document No. 04RE001924

*Left a
message*

11:16

2-27-04

You recently received a letter from the Federal Communications Commission dated February 9, 2004 with an enclosed bill referencing an unpaid regulatory fee for Fiscal Year 2003. We indicated in that letter that we had no record of your payment for the above FCC call sign. We have recently discovered that the amount of \$1,446.65 calculated for that bill was incorrect due to a system error. The attached bill is being reissued with the correctly calculated amount for nonpayment.

The erroneous bill has been canceled.

We apologize for any inconvenience this has caused, and appreciate any effort you have made in responding to this request.

If you have any questions, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Claudette E. Pride, Chief
Revenue & Receivables Operations Group

*Diane Douglas
445 12th St. South West
1A 812
Wash. DC 20554*

*Letter in
writing
fee waived
documentation
also send
to waive permit*

NobelTel, LLC
5759 Fleet St. Suite 210
Carlsbad, CA 92008 USA
Toll Free: 800-98-NOBEL
International: 1-760-405-0105
www.nobelglobe.com



March 3, 2004

Dear Ms. Claudette Pride,

Enclosed, please find the re-issued check in the amount of \$7409.06 for NobelTel's Regulatory Fee. An additional bill was sent late last week indicating payment had not been made and that NobelTel was assessed a 25% penalty. Our new bill which was sent to collections was for \$9261.33.

The penalty must be waived as we have proof by Airborne Express that the check was previously sent and received by FCC on December 22, 2003 at 10:58 am by M. Boykins. Enclosed, please find the Airborne tracking information as well as the check stub for the initial check previously sent. It has been cancelled by our Finance Department as of today March 3, 2004 as it has not been cashed as indicated by our bank. Thus we have enclosed a new check for \$7409.06 minus the 25% late penalty fee. Should you have any questions, please contact Peter Sinclair, Esq. at 760-405-0105, extension 6420 or myself at 760-405-0105, extension 6460. My email address is awhitaker@nobelglobe.com. I have been speaking to Diane Douglas regarding this matter and she is to send the check to for the fee to the appropriate person/department. Thank you very much.

Best regards,

Ann Nicole Whitaker
Paralegal

NT20208

Federal Communications Comm

NobelTel, LLC

3/3/2004

Ref Nbr	Invoice Nbr	Inv Date	Invoice Amount	Amount Paid	Disc Taken	Net Check Amt
001691		11/04/03	7,409.06	7,409.06		7,409.06

002723

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



NobelTel, LLC
5759 Fleet Street
Carlsbad, CA 92008

Fleet National Bank
Boston, MA

5-13/110

Check # 002723

Check Date

3/3/2004

Check Amount

*****\$7,409.06

Seven Thousand Four Hundred Nine and 06/100

Dollars

PAY TO THE
ORDER OF

Federal Communications Comm
445 12th Street South West
1A-862
Washington, DC 20554
United States

MEMO: Regulatory Fee

Authorized Signature

BORDER CONTAINS MICROPRINTING

⑈002723⑈ ⑈011000138⑈ 9429155751⑈

View Shipment**Waybill #** 20034341051
Status Printed

→ TRACKING #

Close Window

Shipment Information :**Ship To****Country** UNITED STATES
Company Name Federal Communications Commission
Address Portals Consumer Center
445 12th Street, N.W.
Washington, DC, 20554**Senders Information****Sent By** A. Delcheva
760-405-0105**Shipment Information****Shipment Date** 22 December 2003
Service Type Next Day 3:00
Weight Letter
Dimensions 0 x 0 x 0
Additional Protection Not Required
Protection Value \$ 0
Description
Shipment Reference

Received by FCC

@ 10:58 am
by Receptionist
M. Boykins**Billing Information****Bill To** Sender / 202126978**Notification****Notify Receiver** No
Notify Other No
Other Email Address
Notification Message**Options and Special Services****COD Value** \$0.00
Hazardous Materials No
Hold at Airborne No
Sender's Receipt No

Estimated Freight Charges \$ 13.28
Estimated Other Charges \$ 0.60

Estimated Total Charges \$ 13.88

Close Window

Bill Processing

Document Number 04RE001924

FRN 0000760928

NobelTel, LLC

F1 NEXT

F9 EXIT

Bill has been voided

RAHIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 04REG001924

FRN 0008760928 NobelTel, LLC

Bill Date 02/09/04 Bill Amount \$1,157.32

Bill Type REG9 Bill Paid \$0.00

Bill Due Date 03/10/04 Bill Balance Due \$0.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00008408 Waiver Date Admin Chg Due \$0.00

Transaction Date 03/11/04 Acct Period 06 Total Due \$0.00

Bill Description CB FY03 Non-Payment 0399 Late fee \$ 289.33

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2004 REG9 90 9500 065 0199

Product No. 0372 Quantity Item Amount \$1,157.32

Document Status V Item Paid \$0.00

Transaction Code Item Balance Due \$0.00

Reference Type Reference No. Line 000

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

3/11/2004 ARIPNL2

Add/Modify Billing Information

Document Number 04RE001924

FRN 0008760928

NobelTel, LLC

Bill Date 02/09/04

Bill Amount \$1,157.32

Bill Type REG9

Bill Paid \$0.00

Bill Due Date 03/10/04

Bill Balance Due \$1,157.32

Billing Indicator Bill Cycle

Interest Due \$0.00

Referral Code Waiver

Penalty Due \$0.00

Print Seq # 00008408 Waiver Date

Admin Chg Due \$0.00

Transaction Date 03/11/04 Acct Period 06

Total Due \$1,157.32

Bill Description CB FY03 Non-Payment 0399 Late fee \$ 269.33

Line Item Sequence 002 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code

Product No. Quantity

Item Amount

Document Status 0

Item Paid

Transaction Code

Item Balance Due

Reference Type Reference No.

Line

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F5 SAVE F6 BACK F9 EXIT

3/11/2004 ARIPNL2

Invalid Document Status

RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 04REG01924

FRN 0008760928

NobelTel, LLC

Bill Date 02/09/04

Bill Amount \$1,157.32

Bill Type REG9

Bill Paid \$0.00

Bill Due Date 03/10/04

Bill Balance Due \$1,157.32

Dunning Indicator Bill Cycle

* Interest Due \$0.00

Referral Code Waiver

Penalty Due \$0.00

Print Seq # 00008408 Waiver Date

Admin Chg Due \$0.00

Transaction Date 03/11/04 Acct Period 06 *

Total Due \$1,157.32

Bill Description CB FY03 Non-Payment 0399 Late fee \$ 289.33

Line Item Sequence 002 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code

Product No. Quantity

Item Amount

Document Status 0

Item Paid

Transaction Code

Item Balance Due

Reference Type Reference No.

Line

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F6 SAVE F8 BACK F9 EXIT

3/11/2004 ARIPNL2

Tom Putnam

From: Tom Putnam
Sent: Thursday, March 11, 2004 4:23 PM
To: 'Ann N. Whitaker'
Subject: RE: NOBELTEL, LLC REGULATORY FEE--FORM 159W

Yes 8 pages received .. I will be reviewing this information with the attorney assigned to your case.

Tom Putnam
 Accountant
 Revenue & Receivables Operations Group
 Phone 202-418-2992
 Fax 202-418-2843

*** Non-Public: For Internal Use Only ***

-----Original Message-----

From: Ann N. Whitaker [mailto:awhitaker@nobelglobe.com]
Sent: Thursday, March 11, 2004 3:41 PM
To: Tom Putnam
Cc: Peter Sinclair
Subject: NOBELTEL, LLC REGULATORY FEE--FORM 159W
Importance: High

Dear Mr Putnam,

I am currently faxing the requesting documentation to you. Please confirm receipt.

Best regards,

Nikki Whitaker

*Legal Department
 Nobel, LLC
 5759 Fleet Street, Ste 210
 Carlsbad, CA 92008
 Tel: (760) 405-0105 ext 6460
 FAX: (760) 930-2592*

This e-mail and attachments, if any, may contain confidential and/or proprietary information. Please be advised that the unauthorized use or disclosure of the information is strictly prohibited. The information herein is intended only for use by the intended recipient(s) named above. If you have received this transmission in error, please notify the sender immediately and permanently delete the e-mail and any copies, printouts or attachments thereof.

Tom Putnam

From: Tom Putnam
Sent: Thursday, March 11, 2004 4:21 PM
To: 'Ann N. Whitaker'
Subject: Nobeltel Fee waiver

Ms Whitaker,

The fax concerning the regulatory fee program is on its way to you. Please review this material carefully. The current year program has not been approved by the Commission at this point but should be available on our web site in about a month.

I spoke with Diane Douglas and she assured me that your check had been forwarded to our lockbox bank Mellon in Pittsburgh , PA

Do not hesitate to contact me if I can be of further assistance.

Regards,
 Tom Putnam
 Accountant
 Revenue & Receivables Operations Group
 Phone 202-418-2992
 Fax 202-418-2843
 *** Non-Public: For Internal Use Only ***

**FEDERAL
COMMUNICATIONS
COMMISSION**

**REVENUE &
RECEIVABLES
OPERATIONS GROUP**

Fax Cover

To: Ann Nicole Whitaker From: TOM PUTNAM
Fax: 760 930 2592 Pages: _____
Phone: _____ Date: 3-11-04
Re: Regulatory Fees
Comments: _____

Call if there are any questions or all pages not received

Tom Putnam
Accountant
Revenue & Receivables Operations Group
Phone 202-418-2992
Fax 202-418-2843
E-mail = Tputnam@FCC.GOV


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[Fee Filer](#)

[Form 159](#)

[Electronic Transfer](#)

[Wire Transfer](#)

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[Commission Registration System](#)

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[Media Services Licensees](#)

[Commercial Wireless Services](#)

[International and Satellite Services Licensees](#)

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[Waivers](#)

[Exemptions](#)

[Payment Methods](#)

In 1993 [Congress](#) began requiring the FCC to annually recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities

Ten years later regulatory fees are paid by over 2,200 companies. These companies provide services in [over forty categories](#) -- such as television, radio, cable, wireless telephone, interstate telephone, satellite, paging/messaging, and microwave. For example, long distance providers pay a fee on the \$63 billion in revenue they collect each year, cable television providers pay a fee for each of their more than 67 million subscribers, and cellular phone providers pay a fee for each of the 140 million telephone numbers assigned to them. Beginning this year, these regulatory fees will cover approximately 99% of the agency's total costs.

Who Must Pay Regulatory Fees?

If your organization has a license, permit, call sign, or certification from the FCC, you most likely have to pay a regulatory fee. [This chart](#) shows the categories of organizations who have to pay fees by September 25, 2003.

Regulatory fees are not assessed on state and local governments, amateur radio operator licensees (other than amateur vanity call signs), and non-profit organizations.

This year organizations who owe fees will either get a postcard in the mail telling them what they owe or they will be mailed a Public Notice [[Word](#) | [Acrobat](#)] that describes the procedures they should undertake to calculate the amount they owe. In the future we hope to make the process as easy as possible by sending all organizations a simple postcard with the amount owed.

Figuring Out What Your Organization Owes?

- [Cable Television Systems](#)
- [Commercial Wireless](#)
- [International and Satellite Services](#)
- [Interstate Telecommunication Service Providers](#)
- [Media Services](#)
- Assessment & Collection of Regulatory Fees - Additional Guidance and Clarification Public Notice [Word](#) | [Acrobat](#)
 - [Listing of AM/FM Radio Stations Miscoded on Post Cards](#)
- FY2003 AM and FM Radio Station Regulatory Fees [Acrobat](#) | [Excel](#) - posted 8/25/03

- [FY 2003 Television Stations \(Primaries\)](#) - posted 8/21/03
- [FY 2003 Satellite TV](#) - posted 8/21/03
- [FY 2003 Class A and LPTV](#) - posted 8/21/03

[previous years](#)

How to Make Payment

PAY NOW

All payments start with a [FCC Registration Number \(FRN\)](#) and [Form 159](#) or [159W](#). After completing this form you can make payment by check, [credit card](#), [electronic transfer](#), or [wire transfer](#). Checks must be mailed, along with Form 159 to

Federal Communications Commission
Regulatory Fees
P O Box 358835
Pittsburgh, PA 15251-5835

If you prefer to send your payment by courier to a lockbox address your envelope and have it delivered to

Federal Communications Commission
Regulatory Fees
c/o Mellon Client Service Center
500 Ross Street, Room 670
Pittsburgh, PA 15262-0001
Attn: FCC Module Supervisor

Payments that are misdirected to the FCC in Washington, DC will be forwarded to Mellon Bank in Pittsburgh, PA, however, this could result in a late filing that would therefore be subject to the 25% late payment fee.

The quickest and easiest way to pay is using a credit card through the [Fee Filer](#) service.

REGULATORY FEES ARE DUE BY SEPTEMBER 25, 2003

Releases

9/22/03
FCC Extends The Filing Deadline Date of FY 2003 Regulatory Fee
Public Notice [Word](#) | [Acrobat](#)

9/17/03
FY 2003 Assessment and Collection of Regulatory Fees Additional Guidance and Clarification
Public Notice [Word](#) | [Acrobat](#)
- [Listing of AM/FM Radio Stations Miscoded on Post Cards](#)

8/5/03
FCC Fee Filer System Now Available Year-Round
Public Notice [Word](#) | [Acrobat](#)

8/5/03
New Remittance Advice Form 159 is Now Available
Public Notice [Word](#) | [Acrobat](#)

7/30/03

FY 2003 Regulatory Fees Due September 24, 2003

Report & Order [Word](#) | [Acrobat](#)

Public Notice [Word](#) | [Acrobat](#)

4/9/03

Assessment and Collection of Regulatory Fees for Fiscal Year 1998

MO&O FCC 03-73 [Word](#) | [Acrobat](#)

4/9/03

Assessment and Collection of Regulatory Fees for Fiscal Year 2001

MO&O FCC 03-74 [Word](#) | [Acrobat](#)

3/26/03

FCC Proposes Revisions for Assessment and Collection of Regulatory Fees for Fiscal Year 2003

NPRM FCC 03-64 [Word](#) | [Acrobat](#)

[previous years](#)

Frequently Asked Questions

Q: What are regulatory fees?

A: 47 U.S.C. §159 establishes four broad categories of Commission activities as regulatory. These are all "enforcement activities, policy and rulemaking activities, user information services, and international activities." The statute then requires the FCC to "assess and collect" fees to recover the costs of these activities. Thus, the fees that cover the costs of these four types of activities are called regulatory fees.

Regulatory fees are distinct from application fees, which are authorized in 47 U.S.C. §158. Application fees cover the FCC's costs related to licensing communication service providers. This includes activities such as issuing permits, testing applicants, certifying licenses, authorizing transfers, assigning or transferring call signs, and adjudicating disagreements.

Q: Why does my company have to pay these fees?

A: Each year, as part of the passage of the federal budget, Congress establishes an amount that the FCC must collect in regulatory fees. This year that amount is \$269 million - 99% of the Commission's annual budget. Based upon 47 U.S.C. §159, the FCC is obligated to collect this amount from every organization that benefits in any way from the FCC's enforcement, policy and rulemaking, user information, and international activities.

The regulatory fee section of the law does not specifically exempt any group from paying this fee, although, it does allow the Commission to waive, reduce, or defer payment of a fee "for good cause shown, where such action would promote the public interest." The FCC has interpreted this to mean that regulatory fees will not be applied to state and local governments, amateur radio operator licensees (other than amateur vanity call signs), and non-profit organizations. The FCC also allows companies in precarious financial situations or bankruptcy to petition for a case-by-case decision on a waiver or reduction of the regulatory fee.

Q: When are the fees due?

A: Fees are due by September 25, 2003

Q: What if my company can't pay by the due date?

A: While 47 U.S.C. §159 does not specifically exempt any organization from paying regulatory fees it does require penalties for late payment. The statute specifically says, "Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner."

Q: I want to talk to a human being, who do I call?

A: Those with questions related to the FCC's Fee Filer program should call the toll-free Help Line at 1-877-480-3201

last reviewed/updated on 9/23/03

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact Information](#)

Phone 1-888-CALL-FCC (1-888-225-5322)
TTY 1-888-TELL-FCC (1-888-835-5322)
Fax 1-866-418-0232
E-mail fccinfo@fcc.gov

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Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

REGULATORY FEES FACT SHEET

July 2003

WHAT YOU OWE – INTERSTATE TELECOMMUNICATIONS SERVICE PROVIDERS (ITSPs)

This *Fact Sheet* pertains to ITSPs, including Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs); incumbent local exchange carriers (local telephone operating companies)¹, interexchange carriers (long distance telephone companies); local resellers; OSPs (operator service providers that enable customers to make away-from-home calls and to place calls with alternative billing arrangements); payphone service providers; prepaid card providers; private service providers; shared tenant service providers; toll resellers; and other local and other toll service providers. These categories are further described below.

In its *FY 1996 Regulatory Fee Report and Order*, the Commission amended its rule regarding the TRS Fund administrator to permit National Exchange Carrier Association (NECA) to process regulatory fees on behalf of its pooling exchange carriers and to submit their consolidated fees to our lockbox bank in a single payment instrument. However, we remind entities subject to regulatory fee payment that the regulatee, not an agent such as NECA, is responsible for ensuring that payment is made, and that there is a penalty for not submitting the entire fee in a timely manner.

CAP/CLEC: Competes with incumbent local exchange services or telecommunications services that link customers with interexchange facilities, local exchange networks, or other customers. Includes fixed wireless service providers that are certified as local exchange service providers.

ILEC: (Incumbent Local Exchange Carrier). Provides local exchange service. An ILEC generally is a carrier that was at one time franchised as a monopoly service provider. See 47 U.S.C. 251(h).

IXC: (Interexchange Carrier) Provides long distance telecommunications services, primarily through switches or circuits that it owns or leases.

Local Reseller: Provides local exchange or fixed telecommunications services by reselling services of other carriers.

OSP: Serves customers needing operator assistance to complete calls, or needing alternate billing arrangements such as collect calling.

¹ We will permit the holding company of local exchange carriers to aggregate fee payments due by its operating companies and submit a single payment to cover the fee requirements of its subsidiaries.

Payphone Service Provider: (Also referred to as payphone aggregators). Provides customers access to telephone networks through payphone equipment, special teleconference rooms, etc.

PrePaid Card Provider: Provides prepaid calling card services by selling prepaid calling cards to the public or to retailers. Prepaid card providers typically resell the toll service of other carriers and determine the price of the service by setting the price of the card and controlling the number of minutes for which the card can be used.

Toll Reseller: Provides long distance telecommunications services primarily by reselling the long distance telecommunications services of other carriers.

Other Local and Other Toll Service Providers: Other providers of local exchange or toll services, including private service providers (which offer telecommunications services to others and includes companies that offer excess capacity on a private system that is used primarily for internal purposes) and shared tenant service providers (which manage or own multi-tenant locations that provide telecommunications services or facilities to tenants for a fee).

Fee Payment Amount and Payment Type Code for ITSPs

Fee Payment Amount: \$0.00199 per revenue dollar

Payment Type Code: 0372

Form 159-W & Form 499-A

Attached to this *Fact Sheet* is a FCC-prepared version of the Form 159-W using information that you had previously provided on Form 499-A. Your Form 499-A was due on April 1, 2003. The enclosed FCC-prepared Form 159-W is based on the information in your Form 499-A, including any updates processed by July 1, 2003. The enclosed FCC-prepared Form 159-W contains the critical information for Form 159.

If you agree with the dollar amounts on the enclosed FCC-prepared Form 159-W, you may sign it and submit it in lieu of your Form 159. If the Applicant TIN, FRN-CORESID, or the company name/address information need to be filled in or corrected on your enclosed FCC-prepared Form 159-W, you may do so, and still use that form in lieu of the Form 159.

If you disagree with the dollar amounts or any other information on the enclosed FCC-prepared Form 159-W, you must complete the blank Form 159-W attached to this notice and complete a Form 159, and then submit both the Form 159-W and the Form 159. Note that corrections to Form 159-W do not change or affect the validity of your previously-filed Form 499-A.

Question 1. What is the Form 499-A Telecommunications Reporting Worksheet?

As required under the Communications Act of 1934, as amended,² the Commission has established, in a series of separate proceedings, procedures to finance interstate telecommunications relay services (TRS), universal service support mechanisms, administration

² 47 U.S.C. §§ 151, 225, 251, 254

of the North American Numbering Plan (NANPA), and shared costs of local number portability (LNPA). To accomplish these Congressionally directed objectives, contributions are collected from all telecommunications carriers providing interstate telecommunications and certain other providers of telecommunications. In 1999, the Commission amended its rules so that for the purpose of determining their contribution(s), contributors to these mechanisms need only file the Form 499-A Telecommunications Reporting Worksheet.³ The Form 499-A is filed by interstate service providers each year on April 1. A copy of the form and instructions can be downloaded at <http://www.fcc.gov/formpage.html>.

Question 2. Which companies must file a Form 499-A?

All providers of telecommunications within the United States, with very limited exceptions, must file a Form 499-A.⁴ For this purpose, the United States is defined as the contiguous United States, Alaska, Hawaii, American Samoa, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, the Northern Mariana Islands, Palmyra, Puerto Rico, the U.S. Virgin Islands, and Wake Island. As a general matter, each legal entity that provides interstate telecommunications services for a fee, including each affiliate or subsidiary of an entity, must complete separately and file a copy of the Form 499-A. The Commission, however, has adopted an exception to the separate legal entity requirement, which enables contributors meeting certain criteria to file the Form 499-A on a consolidated basis.

For purposes of determining whether an entity provides telecommunications, please note that the term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. For the purpose of filing, the term "interstate telecommunications" includes, but is not limited to, the following types of services: wireless telephony including cellular and personal communications services (PCS); paging and messaging services; dispatch services; mobile radio services; operator services; access to interexchange service; special access; wide area telecommunications services (WATS); subscriber toll-free services; 900 services; message telephone services (MTS); private line; telex; telegraph; video services; satellite services; and, resale services. Note, for example, that all local exchange carriers provide access services and, therefore, provide interstate telecommunications.

Note also that entities must file this worksheet, and are subject to the universal service contribution requirement, if they offer interstate telecommunications for a fee to the public even if only a narrow or limited class of users could utilize the services. Included are entities that provide interstate telecommunications to entities other than themselves for a fee on a private, contractual basis. In addition, owners of pay telephones, sometimes referred to as "pay telephone aggregators," must file this worksheet. Most telecommunications carriers must file this

³ 1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, CC Docket No. 98-171, Report and Order, 14 FCC Rcd 16602 (1999) (Contributor Reporting Requirements Order)

⁴ Section 254(d) applies not only to "every telecommunications carrier that provides interstate telecommunications services" but also to certain "other providers of interstate telecommunications." 47 U.S.C. § 254(d) (emphasis added)

worksheet even if they qualify for the *de minimis exemption* under the Commission's rules for universal service.⁵

Question 3. Should all Form 499-A filers also pay ITSP regulatory fees?

No. Interstate service providers that have mobile service or satellite service revenues, but no interstate local revenues or interstate toll revenues, are exempt. Interstate service providers that provide service to only other carriers are exempt. Governmental entities are exempt. Carriers whose total regulatory fee payment obligation would be less than \$10 are exempt. However, the vast majority of Form 499-A filers are required to pay ITSP regulatory fees.

Question 4. Should a carrier make a regulatory fee payment if it has not filed a Form 499-A?

Yes. If a telecommunications carrier provided interstate telecommunications services in 2002, then it should have filed a Form 499-A and must also pay the common carrier based regulatory fee. This form was due on April 1, 2003 and should have contained revenue information for calendar year 2002. Carriers who have not yet filed the Form 499-A should contact (973) 560-4400 in order to obtain a filing package and to be assigned a 6 digit Filer 499 ID number. If a carrier has forgotten its Filer 499 ID (formerly referred to as the TRS Fund identification number) it may contact the Universal Service administrator at (973) 560-4400, or it may be able to find it in the *Carrier Locator Interstate Service Providers* http://www.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/trs.html.

Question 5. What type of revenues are reported on the Form 499-A?

The Form 499-A requires filers to disclose all revenues, including revenues from non-regulated and non-telecommunications services. Detailed information is provided for telecommunications services provided to other carriers, for telecommunications provided to end-users, and for other services. The detailed information is used to classify revenues. Only certain revenues are subject to the ITSP regulatory fee

Question 6. When calculating the ITSP regulatory fee, what kind of costs can be deducted from revenues that appear on Form 499-A?

None. The ITSP regulatory fee is based on interstate and international end-user revenues for local and most toll services. Other types of revenues included on Form 499-A are excluded. Filers are not allowed to deduct any expenses from subject end-user revenues.

⁵ See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Further Notice of Proposed Rulemaking and Report and Order, 17 FCC Rcd 3752 (2002)

FCC FORM 159-W
INTERSTATE TELEPHONE SERVICE PROVIDER WORKSHEET

Payer Name:		Filer 499 ID (FCC Form 499-A, Line 101):
Calendar Year 2002 Revenue Information (show amounts in whole dollars)		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A, Line 412 (e)	
2	Interstate end-user revenues from all telecommunications services. FCC Form 499-A, Line 420 (d)	
3	International end-user revenues from all telecommunications services except international-to-international. FCC Form 499-A, Line 420 (e)	
4	Total end-user revenues (Sum of lines 1, 2 and 3) Also enter this number on Block (28A) - FCC Code 1.	
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A, Line 409 (d)	
6	End-user international mobile service monthly and activation charges. FCC Form 499-A, Line 409 (e)	
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A, Line 410 (d)	
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A, Line 410 (e)	
9	End-user interstate satellite services. FCC Form 499-A, Line 416 (d)	
10	End-user international satellite services. FCC Form 499-A, Line 416 (e)	
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. Note: You may not include in Block 11 universal service pass-through surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.	
12	Interstate and international revenues from resellers that do not contribute to USF. FCC Form 499-A, Line 511 (b)	
13	Total excluded end-user revenues (Sum lines 5 through 12.) Also enter this number on Block (29A) - FCC Code 2	
14	Total subject revenues (Line 4 minus Line 13) Also enter this number on Block (25A) - Quantity	
15	Interstate telecommunications service provider fee factor	.00199
16	2003 Regulatory Fee (Line 14 times Line 15). Also enter this number on Block (27A) - Total Fee. You are exempt from filing if the sum of all regulatory fees due on Line 16 is less than \$10. If you file, using this form, you must also complete a FCC Form 159, and include a copy of this FCC Form 159-W	

**APPROVED BY OMB
3060-0949**

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION
ACT**

The public reporting for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0949), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS, TO THIS ADDRESS.

You are not required to respond to a collection of information sponsored by the federal government, and the government may not conduct or sponsor a collection, unless it displays a currently valid OMB control number. This collection has been assigned an OMB control number of 3060-0949.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION
ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

**FCC FORM 159-W
July 2003**

Special Instructions for Completing FCC Forms 159 & 159-C

In addition to the general Form 159 filing instructions in the *FY 2003 Regulatory Fees Public Notice*, the following information applies specifically to ITSP regulatees:

Block (9) - Telephone Number.

- Enter the contact name and telephone number of the specific individual responsible for submitting the payment and supporting Form 159 and Form 159-C.

Block (11) - PAYER FRN:

- Enter the fee payer's FRN number.

Block (21) - APPLICANT FRN:

- If different from payer, enter the applicant's FRN number.

Block (23A) - FCC CALL SIGN/OTHER ID:

- ITSPs should enter their Filer 499 ID number (Form 499-A, Line 101).

Block (24A) - PAYMENT TYPE CODE.

- Enter 0372 when paying for an ITSP regulatory fee (\$0.00199 per revenue dollar).

Block (25A) - QUANTITY:

- First complete Blocks 28A (FCC CODE 1) and 29A (FCC CODE 2) on the Form 159 (see instructions below).
- ITSPs should subtract the amount in Block 29A (FCC CODE 2) from the amount in Block 28A (FCC CODE 1) and enter the Telecommunications Reporting Worksheet end user revenue. This should be the same as Line 14 of the Form 159-W.

Block (27A) - TOTAL FEE

- For ITSP regulatory fees (payment type code 0372), multiply the amount in Block 25A (Quantity) by \$0.00199. This amount should be the same as Line 16 of the Form 159-W. **Enter exact dollars and cents; do not round.**

Block (28A) - FCC CODE 1.

- For ITSP regulatory fees (payment type code 0372), enter the total end-user revenues. This amount should be the same as Line 4 of the Form 159-W. **Enter exact dollars and cents; do not round.**

Block (29A) - FCC CODE 2:

- For ITSP regulatory fees (payment type code 0372), the amount entered in Block 29-A should be the same as the amount on Line 13 of the Form 159-W. This amount is excluded from the interstate and international end-user revenues that are used to calculate the telephone service provider fee. Exclusions are limited to:
 - Interstate and international end-user revenues from mobile services;
 - Interstate and international end-user revenues from satellite services;
 - Interstate and international end-user revenues from services provided to resellers that do not contribute to USF; and
 - Any surcharges levied on the interstate and international end-user revenues from the

above revenues (i.e. mobile services, satellite services, and services provided to resellers that do not contribute to USF).

Block (30) - CERTIFICATION

- Provide the printed name and signature of an individual owner/licensee or officer attesting to the accuracy and completeness of the information supplied.

Please include a daytime telephone number so that we can contact you if questions arise regarding your payment.

- FCC -